

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

THOMAS HARRIS,
Plaintiff

vs

JOHN RISNER,
Defendant

Case No. 1:09-cv-921
Beckwith, J.
Black, M.J.

ORDER

Plaintiff, a former juvenile inmate at the Ohio River Valley Juvenile Correctional Facility in Scioto County, Ohio, brings this pro se civil rights action against John Risner, a juvenile corrections officer at the facility. By separate Order issued this date, plaintiff has been granted leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. This matter is before the Court for a sua sponte review of the complaint to determine whether the complaint, or any portion thereof, should be dismissed as frivolous, malicious, for failure to state a claim upon which relief may be granted, or because it seeks monetary relief from a defendant who is immune from such relief. *See* 28 U.S.C. § 1915(e)(2)(B).

Plaintiff alleges Eighth and Fourteenth Amendment claims against defendant Risner stemming from an alleged excessive use of force by Risner that resulted in the breaking of plaintiff's arm in two places. At this juncture, the Court concludes that this action may proceed. *See* 28 U.S.C. § 1915(e)(2)(B).

It is **ORDERED** that the United States Marshal serve a copy of the complaint, summons, and this order upon defendant as directed by plaintiff. All costs of service shall be advanced by the United States.

It is further **ORDERED** that plaintiff shall serve upon defendant or, if appearance has

been entered by counsel, upon defendant's attorney, a copy of every further pleading or other document submitted for consideration by the Court. Plaintiff shall include with the original paper to be filed with the clerk of court a certificate stating the date a true and correct copy of any document was mailed to defendant or counsel. Any paper received by a district judge or magistrate judge which has not been filed with the clerk or which fails to include a certificate of service will be disregarded by the court.

It is further **ORDERED** that plaintiff shall inform the Court promptly of any changes in his address which may occur during the pendency of this lawsuit.

IT IS SO ORDERED.

Date: 12/23/2009

s/Timothy S. Black
Timothy S. Black, Magistrate Judge
United States District Court